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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,338	03/03/2004	Thomas Algie Abrams JR.	MFCP.122335	4550

45809 7590 12/24/2008

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EXAMINER	
GUERTIN, AARON M	

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/792,338	ABRAMS, THOMAS ALGIE	
	Examiner	Art Unit	
	AARON M. GUERTIN	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2008 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-10 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 recites includes a "display driver". In light of applicant disclosure [0038] (publication) the display driver has not been defined specifically as hardware and as display driver is a known term for modules of software or programs the display driver of claim 1 is directed to nonstatutory subject matter.

> The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows
>
> Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard

> Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.
>
> When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).
>
> In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

4. Any claim not mentioned above is also rejected under the same rationale for incorporating the deficiencies of the claim upon which it depends.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 3, 4, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,007,025 (Nason) in view of U.S. Publication No.: US 2004/0001544 A1 (Mehrotra).

7. Regarding claim 1, Nason teaches of a display driver ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card…*) to

display a file stream ([Column 23, lines 18-48] - *for secure data input and output are applicable to other types of storage and input devices and to other types of data, streamed or otherwise, other than those explicitly described herein…*), comprising: **a display driver module** (Fig. 2, video card) **having a bitmapped frame buffer** (Fig. 2, (204)), **the display driver module** (Fig. 2, video card) **controlling the display** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…*)**; and a decoder to transform the file stream and store the transformed file stream in the bitmapped frame buffer of the display driver module** ([Column 7, lines 18-45] - *store the bitmap in an obfuscated form and de-obfuscate (or un-obfuscate) the bitmap when it is sent to the video card to be stored in VRAM 302. The term de-obfuscate (or un-obfuscate) is used to refer to the reverse process used to obfuscate data. Thus, for example, decryption of encrypted data is a de-obfuscation process…*)**, the display driver adapted to process data in the bitmapped frame buffer to generate the display without requiring intermediary processes** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame*

buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…).

Nason teaches the limitations of claim 1 above, however Nason fails to specifically teach of **wherein the file stream contains metadata to change display features of the file stream,** said display features comprising at least one of: **video refresh rate data, resolution data, or close captioning data**.

Mehrotra is analogous art that further teaches of wherein the **file stream** (output stream) **contains metadata** (capture session contains data about file stream) **to change display features of the file stream,** said display features comprising at least one of: **video refresh rate data, resolution data, or close captioning data** ([0060] - *a capture session (e.g., media sources and types, quality, resultant bitrate, buffer size, and output stream or file location)… options to the user, such as capture frame rate, output resolution, time distortion (e.g., slow motion)…*).

All the elements of claim 1 are known in Nason in view of Mehrotra, the only difference is the combination of known elements into a single system and method.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Mehrotra's file stream manipulation capabilities of including video refresh rate, resolution data, and time distortion in Nason as doing so would provide the means f a secure file stream and the controlling means of the file stream, with the additional options of changing a display feature of the file stream.

8. Regarding claim 3, Nason and Mehrotra teach the limitations of claim 1 above, the rationale disclosed in the rejection incorporated herein and Nason further teaches of wherein the display driver is adapted to perform the steps comprising: **determining if a user has authorization if digital rights management** (method of authorization is through a system that verifies authorization of requestor) **has been applied to the file stream; and if the user has authorization, performing the steps of transforming the file stream and storing the transformed file stream in the bitmapped frame buffer** ([Column 7, lines 18-45] - *store the bitmap in an obfuscated form and de-obfuscate (or un-obfuscate) the bitmap when it is sent to the video card to be stored in VRAM 302. The term de-obfuscate (or un-obfuscate) is used to refer to the reverse process used to obfuscate data. Thus, for example, decryption of encrypted data is a de-obfuscation process…* and [Column 17, lines 53-67] and [Column 18, lines 1-20] - *to determine whether an "security authorized" requester has issued the read request, and, if so, continues in step 2004… authentication mechanisms can be used to authenticate the requestor after the requestor has initially registered with the secure input driver. In step 2003, the driver code determines whether the authorized requestor has also specified that it desires obfuscated input… when obfuscation has been requested, the input driver obfuscates the input code, using whatever obfuscation technique is implemented or specified…*).

9. Regarding claim 4, Nason and Mehrotra teach the limitations of claim 1 above, the rationale disclosed in the rejection incorporated herein and Nason further teaches of

wherein the display driver is further adapted to perform the step of decrypting the file stream if the file stream is encrypted ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…* and [Column 10, lines 20-44] - *valid data destined for the secure portion of the frame buffer is stored as valid data (e.g., in a valid data buffer, VDB) or is stored as encrypted or masked data (e.g., in a secure data buffer, SDB) which is decrypted or de-masked prior to copying in the "valid" data into the frame buffer…*)

10. Regarding claim 9, Nason and Mehrotra teach the limitations of claim 1 above, the rationale disclosed in the rejection incorporated herein and Nason further teaches of **wherein the display driver is adapted to process data in the bitmapped frame buffer** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…*). However both Nason and Mehrotra fail to specifically teach of the display driver is adapted to **generate a Digital Light Processing display**. Nason does teach of the display driver sending bitmap information to a video card and the to a display device 220. As Digital

Light Processing displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by Nason would be able to process data with a command signal compatible for a DLP display.

11. Regarding claim 10, Nason and Mehrotra teach the limitations of claim 1 above, the rationale disclosed in the rejection incorporated herein and Nason further teaches of **wherein the display driver is adapted to process data in the bitmapped frame buffer** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…*). However both Nason and Mehrotra fail to specifically teach of the display driver is adapted to **generate a Liquid Crystal Device display**. Nason does teach of the display driver sending bitmap information to a video card and the to a display device 220. As Liquid Crystal Device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by Nason would be able to process data with a command signal compatible for an LCD display.

12. Regarding claim 11, Nason and Mehrotra teach the limitations of claim 1 above, the rationale disclosed in the rejection incorporated herein and Nason further teaches of **wherein the display driver is adapted to process data in the bitmapped frame buffer** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…*). However both Nason and Mehrotra fail to specifically teach of the display driver is adapted to **generate a Micro Electrical Mechanical display**. Nason does teach of the display driver sending bitmap information to a video card and the to a display device 220. As Micro Electrical Mechanical displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by Nason would be able to process data with a command signal compatible for an MEM display.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,007,025 (Nason) and U.S. Publication No.: US 2004/0001544 A1 (Mehrotra) as applied to claim 1 above, and further in view of U.S. Patent No. 6,714,650 (Maillard).

14. Regarding claim 2, Nason and Mehrotra teach the limitations of claim 1 above, the rationale disclosed in the rejection incorporated herein, however both Nason and Mehrotra fail to specifically teach of **the display driver module and decoder are disposed on a same substrate**.

Maillard is analogous art that further teaches of a **display driver teaches of wherein the display driver module and decoder are disposed on a same substrate** (Maillard shows by Fig. 2 that the components are grouped together in one unit (unit 13)).

All the elements of claim 2 are known in Nason and Mehrotra in view of Maillard, the only difference is the combination of known elements into a single system and method.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Maillard's concept of integrating the display driver module with the decoder module on a single substrate in Mehrotra as doing so would provide the means for a single chip with all of the processing modules and functions for maximum processing capabilities with connection integrity.

15. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,007,025 (Nason) and U.S. Publication No.: US 2004/0001544 A1

(Mehrotra) as applied to claim 1 above, and further in view of U.S. Patent No. 7,224,891 (Jam).

16. Regarding claim 6, Nason and Mehrotra teach the limitations of claim 1 above, the rationale disclosed in the rejection incorporated herein; however both Mehrotra and Nason fail to specifically teach of **wherein the decoder is adapted to transform the file stream from a MPEG-2 format into the bitmapped frame buffer of the display driver module**.

Jam is analogous art that further teaches of **wherein decoder is adapted to transform the file stream from a MPEG-2 format into the bitmapped frame buffer of the display driver module** ([Fig. 2, (104 decodes to 106)] and [Column 2 lines 47-61] - *Embodiments of the present invention may utilize various standards, for example, the DVD stan-dard, the MPEG2 standard, and image compression stan-dards such as JPEG (Joint Photographic Experts Group), PNG (Portable Network Graphics), and GIF (Graphics Inter- change Format). In addition, embodiments of the present invention advantageously display digital photographs on TV sets that typically have larger screens and wider viewing angles than computer and laptop screens.*).

All the elements of claim 6 are known in Nason and Mehrotra in view of Jam, the only difference is the combination of known elements into a single system and method.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Jam's multiple formats of file streams in Mehrotra and Nason's display driver modules as doing so would provide the means for a display driver and

display controller that includes a secure method of transporting data and further include the options of changing a display feature of the file stream and adding the additional feature of being able to work in of multiple formats.

17. Regarding claim 7, Nason and Mehrotra teach the limitations of claim 1 above, the rationale disclosed in the rejection incorporated herein, however both Mehrotra and Nason fail to specifically teach of **wherein the decoder is adapted to transform the file stream from a Windows Media File (WMF) format into the bitmapped frame buffer of the display driver module**.

Jam is analogous art that further teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Jam further teaches of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Windows Media File (WMF) format can be file streamed into the system. However it would have been obvious to one skilled in the art that a WMF file may be transformed since it is common in the art to use.

All the elements of claim 6 are known in Nason and Mehrotra in view of Jam, the only difference is the combination of known elements into a single system and method.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Jam's multiple formats of file streams in Mehrotra and Nason's display driver modules as doing so would provide the means for a display driver and display controller that includes a secure method of transporting data and further include the options of changing a display feature of the file stream and adding the additional feature of being able to work in of multiple formats.

18. Regarding claim 8, Mehrotra and Nason teach the limitations of claim 1 above, however both Mehrotra and Nason fail to specifically teach of **wherein the decoder is adapted to transform the file stream from a next generation MPEG compression scheme format into the bitmapped frame buffer of the display driver module**.

Jam is analogous art that further teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Jam further teaches of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Next Generation MPEG format can be file streamed into the system. However it would have been obvious to one skilled in the art that a Next Generation MPEG format may be transformed since it is common in the art to use.

NOTE: Next generation MPEG is considered to be equivalent as the MPEG-4 as per the Apple Corporation.

All the elements of claim 6 are known in Nason and Mehrotra in view of Jam, the only difference is the combination of known elements into a single system and method.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Jam's multiple formats of file streams in Mehrotra and Nason's display driver modules as doing so would provide the means for a display driver and display controller that includes a secure method of transporting data and further include the options of changing a display feature of the file stream and adding the additional feature of being able to work in of multiple formats.

19. Claims 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,714,650 (Maillard), in view of U.S. Patent No. 7,224,891 (Jam).

20. As per claim 12, Maillard teaches of a method to drive a display driver of an encoded file stream comprising the steps of: **receiving the encoded file stream; transforming** (descrambling) **the encoded file stream into a format of the display driver, thereby generating a transformed file stream, wherein transforming the encoded file stream includes changing the file format of the file stream** (the receiver receives a scrambled digital signal, and descrambles it which transforms is

from one format to another [Column 1, lines 1-24] – *transmission and recording of scrambled digital data, for example broadcast audio and/or visual data… a decoder or receiver/decoder capable of descrambling the transmitted program for subsequent viewing…* [Column 2 lines 31-43] - *receiver/decoder may be… integrated with other devices such as digital television…* and [Column 4, lines 26-40] – *The term "receiver/decoder" or "decoder" used herein may connote a receiver for receiving either encoded or non-encoded signals… Embodiments of such receiver/decoders may include a decoder integral with the receiver for decoding the received signals, for example, in a "set-top box", such a decoder functioning in combination with a physically separate receiver, or such a decoder including additional functions, such as a web browser or integrated with other devices such as a video recorder or a television…* and [Column 6, lines 4-15] - *The scrambled data and encrypted control word are then received by the decoder 13 having access to an equivalent of the exploitation key stored on a smart card inserted in the decoder to decrypt the encrypted ECM and control word and thereafter descramble the transmitted data. A paid-up sub- scriber will receive, for example, in a broadcast monthly EMM (Entitlement Management Message) the exploitation key necessary to decrypt the encrypted control word so as to permit viewing of the transmission…).*

However, Maillard fails to specifically teach of **storing the transformed file stream in the bitmapped frame buffer of the display driver**.

Jam is analogous art that further teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a

decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]).

All the elements of claim 12 are known in Maillard in view of Jam, the only difference is the combination of known elements into a single system and method.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include storing the transformed signal in a display buffer of the display driver in Maillard as doing so would provide the means of an immediate live stream media system with the further inclusion of data protection for sensitive data or unauthorized data usage.

21. As per claim 13, Maillard and Jam teach the limitations of claim 12 above, the rationale disclosed in the rejection incorporated herein and Maillard teaches of further comprising the step of **decoding the encoded file stream** ([Fig 2, (30)] and [Column 6 lines 32-43] - *The decoder is additionally adapted to receive inputs… to a demultiplexer/descrambler 30 to enable the encrypted broadcast signal to be descrambled. The decoder also includes a conventional tuner 31 and demodulator 32 to receive and demodulate the satellite transmission before being filtered and demultiplexed by the unit 30.*).

22. As per claim 14, Maillard and Jam teach the limitations of claim 12 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of comprising the step of **processing data in the bitmapped frame buffer to generate a display** ([Fig. 2, (104 to 106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*).

23. Regarding claim 15, Maillard and Jam teach the limitations of claims 12 and 14 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Digital Light Processing display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As Digital Light

Processing displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for a DLP display.

24. Regarding claim 16, Maillard and Jam teach the limitations of claims 12 and 14 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Liquid Crystal Device display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As Liquid Crystal Device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as

the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for an LCD display.

25. Regarding claim 17, Maillard and Jam teach the limitations of claims 12 and 14 above, the rationale disclosed in the rejection incorporated herein Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Micro Electrical Mechanical (MEM) display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As MEM controlled rendering device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for a MEM controlled rendering device.

26. As per claim 18, Maillard and Jam teach the limitations of claim 12 above, the rationale disclosed in the rejection incorporated herein, and Maillard further teaches of **wherein steps are performed on a same substrate (**Maillard shows by Fig. 2 that the components are grouped together in one unit (unit 13)).

27. Claim 19 is similar in scope to claim 12 (the rationale disclosed in the rejection is incorporated herein). However claim 19 further includes the limitations of **determining if a user has authorization if digital rights management has been applied to the file stream; if the user has authorization, transform the data; and dropping the file stream without performing the steps of transforming the file stream into a format of the display driver module and storing the transformed file stream in the bitmapped frame buffer if the user does not have authorization.**

Maillard further teaches of **determining if a user has authorization if digital rights management has been applied to the file stream** ([Column 3, lines 22-46] - *verification that the user or subscriber has sufficient rights to receive and record, for example, a month's worth of data may be handled upstream at the transmission. Only those subscribers having paid the necessary subscription will receive the key for that month, as encrypted by their personalised second key and sent by the transmission means.*)**; if the user has authorization, transform the data** (the use is sent a key for encryption as described above; with the key the data is decrypted wherein upon the media stream is descrambled; [Abstract] - *A system for transmission and recording of*

digital data includes transmission means adapted to prepare and transmit scrambled digital data together with at least one encrypted control word and a digital recording device adapted to receive and record the scrambled digital data and encrypted control word on a digital support. The digital recording device further includes an access control means adapted to decrypt the control word and thereafter descramble the digital data during playback.... [Column 2, lines 31-37] - *In this embodiment, the receiver/decoder may be a standard type as known from the field of digital television broadcast and adapted to receive broadcast audio and/or visual data (scrambled and in clear) as well as data sent, for example, via a modem link to the receiver/decoder...* according to definitions known in the field of digital television descrambling includes having proper authorization and upon confirmation of the authorization transforming data from an un-viewable format to that which can be seen [Column 1, lines 6-25] - *Transmission of scrambled or encrypted digital data is well-known in the field of pay. TV systems, where scrambled audiovisual information is broadcast e.g. by satellite to a number of subscribers, each subscriber possessing a decoder or receiver/decoder capable of descrambling the transmitted program for subsequent viewing... A paid-up subscriber will receive on a monthly basis an EMM message including the exploitation key necessary to decrypt the encrypted control words so as to permit viewing of the broadcast programs...*); **and dropping the file stream without performing the steps of transforming the file stream into a format of the display driver module if the user does not have authorization** ([Column 10, lines 22-32] - *For example, it may be envisaged that a user records scrambled data, ECMs and EMMs in one valid and paid-*

for recording and thereafter "cut and pastes" the EMM header onto all other recordings for that month made without authorisation and simply comprising the scrambled data and ECM messages.).

Jam further teaches of wherein **the steps of transforming the file stream includes storing the transformed file stream in the bitmapped frame buffer** ([Fig. 2, (104 to 106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…).*

28. As per claim 20, Maillard and Jam teach the limitations of claims 12 and 19 above, the rationale disclosed in the rejection incorporated herein, the rationale disclosed in the rejection incorporated herein, and Maillard teaches of further comprising the step of **decrypting the file stream if the file stream is encrypted** ([Fig 2, (30)] and [Column 6 lines 32-43]).

29. As per claim 21, Maillard and Jam teach the limitations of claim 12 above, the rationale disclosed in the rejection incorporated herein and Maillard further teaches of **wherein the file stream contains metadata (**ECM/EMM**), the method further comprising the step of processing the metadata (**[Column 5 lines 61-67] and [Column 6 lines 1-3] - *Transmission of scrambled data in this way is well known in the field of pay TV systems. Typically, scrambled data is transmitted together with a control*

word for descrambling of the data, the control word itself being encrypted by a so-called exploitation key and transmitted in encrypted form in an ECM (Entitlement Control Message)… the scrambled data and encrypted control word are then received by the decoder 13 having access to an equivalent of the exploitation key stored on a smart card inserted in the decoder to decrypt the encrypted ECM and control word and thereafter descramble the transmitted data.).

NOTE: The Examiner is considering Entitlement Control Message (ECM) / Entitlement Management Message (EMM) equivalent to metadata. As the Applicant has not specifically defined Metadata within the claim or in the specification, Metedata is defined as "data about" something. These messages are exploitation keys that relate about the encrypted data to permit viewing of the transmission.

30. As per claim 22, Maillard and Jam teach the limitations of claim 12 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of **wherein the step of transforming the encoded file stream into a format of the display driver module** (Jam ~ [Fig. 2], [Column 2 lines 18-43], and [[Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) comprises the **step of transforming a MPEG-2 encoded file stream** into the bitmapped frame buffer of the display driver module (Jam ~ [Column 2

lines 47-61]- *Embodiments of the present invention may utilize various standards, for example…. the MPEG2 standard…*).

31. Regarding claim 23, Maillard and Jam teach the limitations of claim 12 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of **wherein the step of transforming the encoded file stream into a format of the display driver module** (Jam, component 106 as described above in claim 14) ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) comprises the step of **transforming a Windows Media File (WMF) encoded file stream into the bitmapped frame buffer of the display driver module**. Jam does teach of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Windows Media File (WMF) format can be file streamed into the system. However it would have been obvious to one skilled in the art that a WMF file may be transformed since it is common in the art to use. It would also be a matter of design choice to use a different data compression/encryption/play back scheme.

32. Regarding claim 24, Maillard and Jam teach the limitations of claim 12 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of **wherein the step of transforming the encoded file stream into a format of the**

display driver module (Jam, component 106 as described above in claim 14) ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) comprises the step of **transforming a next generation MPEG compression scheme encoded file stream into the bitmapped frame buffer of the display driver module**. Jam does teach of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Next Generation MPEG format can be file streamed into the system. However it would have been obvious to one skilled in the art that a Next Generation MPEG format may be transformed since it is common in the art to use. It would also be a matter of design choice to use a different data compression/encryption/play back scheme.

NOTE: Next generation MPEG is considered to be equivalent as the MPEG-4 as per the Apple Corporation.

33. Claims 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,714,650 (Maillard), in view of U.S. Patent No. 7,224,891 (Jam), and in view of U.S. Patent No. 4,812,902 (Fuchs Berger).

34. Regarding claim 25, Maillard teaches of a method to apply digital rights management of data from the point of capture to the point of rendering comprising the steps of: **capturing the data** (receiving the encoded file stream); **applying digital rights management to the encoded media file; transmitting the encoded media file to a rendering device; unwrapping the digital rights management applied to the encoded media file** (Fig. 2 shows a controlled access (29) for the rights of media bearing needs for authorization. Maillard discloses ([Column 1 lines 7-24] – provides a user with the authorization via an encryption code for the unlocking of data for display) wherein it is well known in prior art that users with authorization to access a media are called (in some cases) subscribers which give temporary rights view transmitted programming. Maillard also discloses ([Column 2 lines 19-30]) of more permanent authorizations or removable authorizations from a device, and ([Column 6 lines 4-23]) further teachings of interactive systems and conditional access systems that allow those authorized to view content only after being accepted. Once the authorization is granted, Maillard teaches ([Column 6 lines 13-22]) wherein the data enables the user to interact with the media.

Maillard fails to specifically mention that without authorization media can not be used, however it would have been obvious to those skilled in the art that if an authorization is not granted, then there will be no processing of any media for the use of users. Instead it would be obvious for the file stream to be blocked and not be saved within a buffer for display, and wait until an authorization was granted for any successive request).

Maillard fails to teach of **decoding the encoded media file into a driver frame buffer; transforming the data in the frame buffer into an encoded media file; and generating commands to control display components using data in the driver frame buffer**. Jam teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46] also Fig. 3 and [Column 4, lines 9-20]). Jam also teaches having a controller for controlling the display once the data is being streamed. Fig. 2 shows the components of 204 and 208 of which are a navigation unit and a remote control that, with the user interface provides the capabilities for display manipulation.

Jam further teaches of a system that takes a digital signal of many formats and processes it using a streaming method for immediate display and Maillard also teaches of a similar system that receives digital signals of different formats and processes it using a streaming method for immediate display, but includes a conditional access unit for regulated use. It would have been obvious for one skilled in the art to have combined the teachings of Jam and Maillard to obtain a media system with streaming capabilities of immediate display and conditional access. Doing so would provide means for having an immediate live stream media system with the further inclusion of data protection for sensitive data or unauthorized data usage.

Maillard and Jam teach the limitations of claim 25 above however both Jam and Maillard fail to specifically teach of **wherein decoding comprises executing a decoding algorithm to acquire a full bandwidth rendering** (according to applicants published specification [0031] - *A non-limiting example of such full bandwidth rendering includes decoding a streaming file in which encoder 24 has performed RGB to YUV conversion…*).

Fuchsberger is analogous art that further teaches of **wherein decoding comprises executing a decoding algorithm to acquire a full bandwidth rendering** ([Column 2, lines 41-48] - *For transformation of the image signals into one luminance signal specifying the brightness or light density and two chrominance signals containing the color information, preferably the RGB-to-YUV transformation, known from the television art, is used.*

All the elements of claim 25 are known in Maillard and Jam in view of Fuchsberger, the only difference is the combination of known elements into a single system and method.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the transformation of RGB-to-YUV in Maillard as doing so would provide the means for implementing a color space best displayed within the types of displays used by Maillard.

35. As per claim 26, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein, and Jam further

teaches of comprising the step of **sending the commands to the rendering components** ([Column 3 lines 37-63] - *navigator 204 sends a command for a next sequence to be displayed… navigator 204 may received user commands…*).

36. As per claim 27, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein and Maillard further teaches of the steps of **capturing the data** (receiving the encoded file stream); **transforming the data in the frame buffer into an encoded media file, encoded media file on a same substrate** (Maillard shows by Fig. 2 that the components are grouped together in one unit (unit 13).) **and applying digital rights management to the encoded media file includes performing the steps of capturing data** (Fig. 2 shows a controlled access (29) for the rights of media bearing needs for authorization. Maillard discloses ([Column 1 lines 7-24]) wherein it is well known in prior art that users with authorization to access a media are called (in some cases) subscribers which give temporary rights view transmitted programming. Maillard also discloses ([Column 2 lines 19-30]) of more permanent authorizations or removable authorizations from a device, and ([Column 6 lines 4-23]) further teachings of interactive systems and conditional access systems that allow those authorized to view content only after being accepted. Once the authorization is granted, Maillard teaches ([Column 6 lines 13-22]) wherein the data enables the user to interact with the media.

Maillard fails to specifically mention but it would have been obvious to those skilled in the art that if an authorization is not granted, then there will be no processing

of any media for the use of users. Instead it would be obvious for the file stream to be blocked and not be saved within a buffer for display, and wait until an authorization was granted for any successive request).

Maillard fails to teach of **storing the data directly into a frame buffer of an encoder, transforming the data in the frame buffer into an encoded media file.** Jam teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Jam teaches of a system that takes a digital signal of many formats and processes it using a streaming method for immediate display and Maillard also teaches of a similar system that receives digital signals of different formats and processes it using a streaming method for immediate display, but includes a conditional access unit for regulated use.

37. Regarding claim 28, Maillard, Jam, and Fuchsberger teach the limitations of claims 25 and 27 12 above, the rationale disclosed in the rejection incorporated herein and Maillard further teaches of wherein the steps of **unwrapping the digital rights management applied to the encoded media file** (Fig. 2 shows a controlled access (29) for the rights of media bearing needs for authorization, and in [Column 1 lines 7-24] it is disclosed that it is well known in prior art that users with authorization to access

a media are called (in some cases) subscribers which give temporary rights view transmitted programming. Maillard discloses ([Column 2 lines 19-30]) of more permanent authorizations or removable authorizations from a device, and ([Column 6 lines 4-23]) further teachings of interactive systems and conditional access systems that allow those authorized to view content only after being accepted. Once the authorization is granted, Maillard teaches ([Column 6 lines 13-22]) wherein the data enables the user to interact with the media); **decoding the encoded media file** ([Fig 2, (30)] and [Column 6 lines 32-43]). Maillard further teaches of having components **on a second substrate** (See the system in Fig. 1 wherein the conditional access system (15) and interactive system (16) are separate from the set top box as described in [Column 5 lines 14-22]).

Maillard fails to teach the step of transforming the stream file of data into a format for the display and storing the stream in the frame buffer. Jam teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Maillard further fails to teach of decoding the encoded media file **into a display driver frame buffer** ([Fig. 2], [Column 2 lines 18-43]), **generating commands to control display components based on data in the driver frame buffer, and sending the commands to the display components.** (Fig. 2 shows of a controller for controlling the display once the

data is being streamed. The components of 204 and 208 of which are a navigation unit and a remote control that, with the user interface provides the capabilities for display manipulation).

38. Regarding claim 29, it is similar in scope to claim 28 except wherein instead of sending the commands to the display components on a second substrate it is done on the same substrate. It would have been obvious to have the commands sent from on the same substrate with the rationale that Maillard shows by Fig. 2 that the components are grouped together in one unit (unit 13). Therefore claim 29 is rejected upon the same rationale of claim 28 above and the obviousness of having one substrate.

39. As per claim 30, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of wherein the step of transforming the data in the frame buffer into an encoded media file comprises **transforming the data in the frame buffer into a MPEG-2 encoded media file** ([Fig. 4, (104)], [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…* and [Column 5 lines 22-43]) and the step of decoding the encoded media file into the driver frame buffer comprises the **step of decoding the MPEG-2 encoded media file into the**

driver frame buffer (Jam ~ [Column 2 lines 47-61] - *Embodiments of the present invention may utilize various standards, for example…. the MPEG2 standard…*).

40. As per claim 31, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein, and Jam further teaches of **wherein the step of transforming the encoded file stream into a format of the display driver module** (Jam, component 106 as described above in claim 14) ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) comprises the step of **transforming a Windows Media File (WMF) encoded file stream into the bitmapped frame buffer of the display driver module**. Jam does teach of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Windows Media File (WMF) format can be file streamed into the system. However it would have been obvious to one skilled in the art that a WMF file may be transformed since it is common in the art to use. It would also be a matter of design choice to use a different data compression/encryption/play back scheme.

41. As per claim 32, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of **wherein the step of transforming the encoded file stream into a format**

of the display driver module (Jam, component 106 as described above in claim 14) ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) comprises the step of **transforming a next generation MPEG compression scheme encoded file stream into the bitmapped frame buffer of the display driver module**. Jam does teach of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Next Generation MPEG format can be file streamed into the system. However it would have been obvious to one skilled in the art that a Next Generation MPEG format may be transformed since it is common in the art to use. It would also be a matter of design choice to use a different data compression/encryption/play back scheme.

NOTE: Next generation MPEG is considered to be equivalent as the MPEG-4 as per the Apple Corporation.

42. As per claim 33, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein and Maillard teaches of further comprising the step of **applying metadata contained in the encoded media file** ([Column 5 lines 61-67] and [Column 6 lines 1-3] - *Transmission of scrambled data in this way is well known in the field of pay TV systems. Typically, scrambled data is transmitted together with a control word for descrambling of the data, the control word*

itself being encrypted by a so-called exploitation key and transmitted in encrypted form in an ECM (Entitlement Control Message)… the scrambled data and encrypted control word are then received by the decoder 13 having access to an equivalent of the exploitation key stored on a smart card inserted in the decoder to decrypt the encrypted ECM and control word and thereafter descramble the transmitted data.). NOTE: The Examiner is considering Entitlement Control Message (ECM) / Entitlement Management Message (EMM) equivalent to metadata. As the Applicant has not specifically defined Metadata within the claim or in the specification, Metedata is defined as "data about" something. These messages are exploitation keys that relate about the encrypted data to permit viewing of the transmission.

43. Regarding claim 34, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Digital Light Processing display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and*

one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As Digital Light Processing displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for a DLP display.

44. Regarding claim 35, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Liquid Crystal Device display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As Liquid Crystal

Device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for an LCD display.

45. Regarding claim 36, Maillard, Jam, and Fuchsberger teach the limitations of claim 25 above, the rationale disclosed in the rejection incorporated herein, and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Micro Electrical Mechanical (MEM) display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As MEM controlled rendering device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard

would be able to process data with a command signal compatible for a MEM controlled rendering device.

Response to Arguments

46. Applicant's arguments filed 10/15/2008 have been fully considered but they are not persuasive.

47. Applicant argues that claim 1 includes generating "the display without requiring intermediary processes..." and that by contrast Nason provides that a security enhanced display driver is utilized that supports techniques to secure data that is temporarily stored in the VRAM prior to display on the client device (Remarks pages 12-13).

The Examiner respectfully disagrees that Nason does not provide the same steps. The applicant clearly discloses in the publication of the spec [0015] that a buffer is where the data is directly stored upon decoding before it is displayed and since Nason (as admitted by applicant) decodes the data and stores the data in a VRAM prior to display Nason clearly reads on the claimed invention.

Applicant further argues (Remarks, page 13) that with Mehrotra does not teach all of the limitations of claim 1 because "no mention is made of encoding metadata". The Examiner further respectfully disagrees as encoding is not claimed. Only metadata is mentioned and is specifically directed to at least one of video refresh rate data, resolution data, or closed captioning data. Mehrotra is explicit in teaching this with the Examiner citation ([0060] - *a capture session (e.g., media sources and types, quality,*

resultant bitrate, buffer size, and output stream or file location)… options to the user, such as capture frame rate, output resolution, time distortion (e.g., slow motion)…).

48. Applicant argues regarding claim 3 (Remarks pages 14-15) that the features are not claimed or taught because data obfuscation and de-obfuscation techniques are not believed to be analogous to digital rights management.

The Examiner respectfully disagrees. The Examiner had cited [Column 7, lines 18-45], [Column 17, lines 53-67] and [Column 18, lines 1-20]. Within the obfuscation and de-obfuscation are directly related to an authentication mechanism which has been cited for digital rights management and not obfuscation and de-obfuscation which are completed upon a response from the authentication.

49. Applicant argues that Maillard does not cure the deficiencies of Nason and Mehrotra with respect to there failure to teach all of the features of independent claim 1.

The Examiner respectfully disagrees as it is apparent from the disclosure above that Nason and Mehrotra do not need the incorporation of Maillard to teach any deficiencies as all of the limitations are taught from the disclosures of Nason and Mehrotra.

50. Applicant argues that Jam does not cure the deficiencies of Nason and Mehrotra with respect to there failure to teach all of the features of independent claim 1.

The Examiner respectfully disagrees as it is apparent from the disclosure above that Nason and Mehrotra do not need the incorporation of Jam to teach any deficiencies as all of the limitations are taught from the disclosures of Nason and Mehrotra.

51. Applicant argues that as per the newly added limitation of "wherein transforming the encoded file stream includes changing the file format of the file stream" has not been taught by Maillard in view of Jam (Remarks pages 16-18). However Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

52. Applicant further argues that "wherein transforming the encoded file stream includes changing the file format of the file stream" is not taught by Maillard's descrambling.

The Examiner respectfully disagrees. The limitation expressly states "wherein transforming the encoded file stream includes changing the file format of the file stream". The words "transforming and "format" are broad. "transforming according to the Merriam Webster dictionary is "to change in composition or structure". "Format" according to the Merriam Webster dictionary relating to data is "a method for organizing data". The process of descrambling is well known in the TV art and as pointed out by the applicant is the opposite of scrambling. To scramble as defined also by the Merriam Webster dictionary is to "*to disarrange the elements of a transmission (as a telephone or television signal) in order to make unintelligible to interception*". Making an unintelligible transmission viewable using the decryption keys as cited specifically in the

rationale provided below provides a change in format because the format prior to descrambling is not viewable without the authorization that provides descrambling. A mere modification to a signal would have only distorted minor details not make it all together un-viewable. Descrambling includes changing the organization of data therefore changing the format.

([Column 1, lines 1-24] – *transmission and recording of scrambled digital data, for example broadcast audio and/or visual data… a decoder or receiver/decoder capable of descrambling the transmitted program for subsequent viewing…* [Column 2 lines 31-43] - *receiver/decoder may be… integrated with other devices such as digital television…* and [Column 4, lines 26-40] – *The term "receiver/decoder" or "decoder" used herein may connote a receiver for receiving either encoded or non-encoded signals… Embodiments of such receiver/decoders may include a decoder integral with the receiver for decoding the received signals, for example, in a "set-top box", such a decoder functioning in combination with a physically separate receiver, or such a decoder including additional functions, such as a web browser or integrated with other devices such as a video recorder or a television…* and [Column 6, lines 4-15] - *The scrambled data and encrypted control word are then received by the decoder 13 having access to an equivalent of the exploitation key stored on a smart card inserted in the decoder to decrypt the encrypted ECM and control word and thereafter descramble the transmitted data. A paid-up sub- scriber will receive, for example, in a broadcast monthly EMM (Entitlement Management Message) the exploitation key necessary to decrypt the encrypted control word so as to permit viewing of the transmission…*).

53. Applicant argues that claim 19 has not been taught by Maillard or Jam. However Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

54. Applicant further argues that Maillard and Jam further fail to teach storing the data directly into a frame buffer of an encoder". Applicant further argues that the element is simply not addressed and that Maillard does not teach this limitation.

The Examiner respectfully disagrees. The limitation has clearly been address, but not by Maillard. The limitation was addressed by the disclosure of Jam. As shown by Fig. 2 the decoder decodes mpeg2 directly into frame buffer 106. The applicant further argues several times of how the limitation is not taught by Maillard. These arguments are respectfully discloses as irrelevant as none of these disclosures have been disclosed to teach the limitation that has been argued as not being addressed.

55. The applicant further argues that Jam at best only teaches decoding a media file into a frame buffer, but does not teach the encoding of a media file into a frame buffer.

The Examiner respectfully disagrees. MPEG2 is a specific type of media encoding for a data stream. It is expressly taught that Jam decodes the format into a directly readable format (an encoded stream for use by the display). Furthermore the support for this claim 25 is Fig. 4. No encoding is supported. Instead a decompressed file may be stored in the frame buffer. Furthermore other support for directly storing into

a frame buffer is [0031] - *Decoder 38 is a media file decoder for executing a decoding algorithm to acquire full bandwidth rendering for an encoded video image file to be decoded and be directly injected into the bitmapped frame buffer 304*. Therefore the Examiner has read in light of the spec which is the same as what is taught by Jam.

56. Applicant argues that as per the newly added limitation of "wherein decoding comprises executing a decoding algorithm to acquire a full bandwidth rendering" has not been taught by Maillard in view of Jam (Remarks pages 18-19). However Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

57. Applicant arguments (Remarks page 22) recite in part: "*Moreover, each of claims 26-36 include additional limitations not found in the cited references in the context of claim 25. For example, claim 27 recites wherein the steps of capturing data, storing the data directly into a frame buffer of an encoder, transforming the data in the frame buffer into an encoded media file, and applying digital rights management to the encoded media file includes performing the steps of capturing data, storing the data directly into a frame buffer of an encoder, transforming the data in the frame buffer into an encoded media file, and applying digital rights management to the encoded media file on a same substrate. The features of claim 27 are not taught or suggested in Jam or Maillard.*"

The Examiner respectfully disagrees with the applicant in that Maillard and Jam fail to teach the limitations. The applicant's argument furthermore does not include substance wherein points of the argument can be responded to. Merely stating that Jam

and Maillard do not teach or suggest a limitation does not shift the burden from the applicant to the Examiner because there is no proper way to respond to such arguments. It is respectfully advised that if Maillard and Jam do not teach these limitations that reasons as to why they do not teach the said limitations are included so a proper response may be drafted. Since there is no substance the Examiners office action provides how Maillard and Jam teach the limitations, the next response by the applicant will be treated and responded to upon condition that there is substance to the argument.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON M. GUERTIN whose telephone number is (571)270-1547. The examiner can normally be reached on M-F 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Aaron M. Guertin
Examiner, Art Unit 2628
December 20th 2008
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